

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:

Chapter 9

CITY OF DETROIT, MICHIGAN

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

---

**RESPONSE TO PROPOSED ORDER IDENTIFYING  
LEGAL ISSUES, ESTABLISHING BRIEFING SCHEDULE AND  
SETTING HEARING DATE AND PROCEDURES**

The Retired Detroit Police & Fire Fighters Association (“RDPFFA”), Donald Taylor, individually and as President of the RDPFFA, the Detroit Retired City Employees Association (“DRCEA”), and Shirley V. Lightsey, individually and as President of the DRCEA (collectively “Retiree Association Parties”) hereby submit their response to the Court’s *Notice of Proposed Order Identifying Legal Issues, Establishing Briefing Schedule and Setting Hearing Date and Procedures* (“Proposed Order”) (Dkt. No. 5172). The Retiree Association Parties also concur in the response filed by the Official Committee of Retirees of the City of Detroit, Michigan.

In the Proposed Order, the Court identifies 14 issues which it believes may be determinable as a matter of law. The Proposed Order sets forth proposed dates and

procedures to address those issues, and requests comments and suggestions regarding the procedures by June 4, 2014.

The Retiree Association Parties have identified two issues on which they are most likely to comment. One of those issues (subparagraph 7) relates to whether the pension investment return and discount rate restrictions in the Debtor's plan violate M.C.L. § 38.1140m. The other issue (subparagraph 5) relates to whether § II.B.3.q.ii<sup>1</sup> (among others) of the Debtor's plan satisfies 11 U.S.C. § 1123(a)(4) (collectively, the "Issues"). The Proposed Order proposes to have supplemental briefs on the Issues (among others) filed by June 17, 2014, and a hearing on the Issues on June 24, 2014.

Pursuant to an order (Dkt. No. 4587) previously entered by the Court, the Retiree Association Parties are not required to file their objections to the Debtor's plan until after June 20, 2014. Moreover, the Retiree Association Parties' confirmation position will not be determined until after June 20, as it depends upon the occurrence of certain funding commitments, and whether Classes 10 and 11 vote (by July 11, 2014) to accept the Debtor's plan.

The Retiree Association Parties request that the Court delay making any determination on the Issues until a date sufficiently after June 20 or July 11, to allow

---

<sup>1</sup> The Retiree Association Parties are not sure whether this plan section is the one the Court meant to cite, as it does not relate to classification (it relates to treatment). But since this section relates to PFRS pension claims, the Retiree Association Parties are including it.

the Retiree Association Parties to address the Issues, if necessary. In the alternative, the Retiree Association Parties request that their rights to comment on the Issues be reserved until their confirmation position is determined.

Dated: June 4, 2014

SILVERMAN & MORRIS, P.L.L.C.

By: /s/ Karin F. Avery  
Thomas R. Morris (P39141)  
Karin F. Avery (P45364)  
30500 Northwestern Highway, Suite 200  
Farmington Hills, Michigan 48334  
(248) 539-1330  
[morris@silvermanmorris.com](mailto:morris@silvermanmorris.com)  
[avery@silvermanmorris.com](mailto:avery@silvermanmorris.com)

Lippitt O'Keefe Gornbein, PLLC  
Brian D. O'Keefe (P39603)  
Ryan C. Plecha (P71957)  
370 East Maple Road, 3<sup>rd</sup> Floor  
Birmingham, Michigan 48009  
(248) 646-8292  
[rplecha@lippittokeefe.com](mailto:rplecha@lippittokeefe.com)

Counsel for Retiree Association Parties